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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,086	02/02/2004	Kouichi Takamine	50023-218	6559
<div>7590 08/07/2007 McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096</div>			<div>EXAMINER TAYLOR, NICHOLAS R</div>	
			<div>ART UNIT 2141</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 08/07/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/768,086

Applicant(s)

TAKAMINE ET AL.

Examiner

Nicholas R. Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 have been examined and are rejected.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the claimed language would reasonably be interpreted by one of ordinary skill in the art as a system of "software per se" and thus fail to fall within a statutory category of invention. In the context of the disclosure and claims in question, one of ordinary skill would reasonably interpret the "program executed by a computer" as a purely software application. As such, the program alone is not a machine, and it is clearly not a process, manufacture, or composition of matter. Thus, the claimed limitations are not limited to statutory subject matter and are therefore nonstatutory.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mattaway (U.S. Patent No. 6,728,784).

7. As per claims 1, 7, 12, 14, and 16, Mattaway teaches a cooperative application system that links the operation of applications between a sending terminal and a receiving terminal that are connected via a network (Mattaway, col. 2, lines 32-44 and fig. 2)

and comprising on the sending terminal side:

a first application-control unit that is operable to output instructions to the application operating at that sending terminal; and (Mattaway, col. 8, lines 19-51)

a sending unit that is operable to send the instructions received from said first application to said receiving terminal; and (Mattaway, col. 7, line 47 to col. 8, line 9; see the structure of fig. 1 from the transmitting client perspective)

comprising on the receiving terminal side: a receiving unit that is operable to receive said instructions from said sending terminal; and (Mattaway, col. 8, lines 19-51)

a second application-control unit that is operable to output said received instructions to the application operating at said receiving terminal (Mattaway, col. 7, line 47 to col. 8, line 9; see the structure of fig. 1 from the receiving client perspective).

8. As per claims 2 and 8, Mattaway teaches the system further wherein at least said sending terminal or said receiving terminal further comprises an application-data-management unit that is operable to check at least one kind of: the type of application operating at another terminal; the status of the application operating at said sending terminal; and the compatibility of the application data being used by the application of the sending terminal, with its own terminal (Mattaway, col. 9, lines 20-42).

9. As per claim 3, Mattaway teaches the system further wherein said sending unit is operable to send to a specified server, address information of said receiving terminal, contents used by the application operating at said receiving terminal, and a send instruction to send said contents to said receiving terminal; and wherein said receiving unit is operable to receive said contents from said server and give said contents to the application operating at said receiving terminal (Mattaway, col. 8, lines 9-19; col. 5, lines 13-49; col. 5, line 66 to col. 6, line 22, e.g., where the receiving terminals receive contents from the specified server).

10. As per claim 4, Mattaway teaches the system further wherein said sending unit is operable to send to a specified server the contents that are used by the application

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operating at said receiving terminal, and send the address information for said server to the receiving unit of said receiving terminal; and wherein said receiving unit is operable to receive said contents from said server based on the received address information for said server, and give said contents to the application that operates at said receiving terminal (Mattaway, col. 5, lines 13-49; col. 8, lines 9-19; col. 5, line 66 to col. 6, line 22, e.g., where the receiving terminals receive contents from the specified server).

11. As per claims 5, 13, and 15, Mattaway teaches the system further wherein said sending terminal further comprises a first time-control unit that is operable to synchronize and send a video signal that is input to a video-input unit, a audio signal that is input to a audio-input unit and instructions that are output from said application-control unit to said sending unit, and wherein said receiving terminal further comprises a second time-control unit that is operable to receive said synchronized video signal, audio signal and instructions, and then synchronize and output the video, audio and instructions (Mattaway, col. 7, lines 24-33; see video/audio receiving and transmission in col. 8, lines 19-29 and 54-59).

12. As per claim 6, Mattaway teaches the system further wherein the video signal input from said video-input unit is a high-definition quality video signal (Mattaway, col. 7, lines 24-33; col. 8, lines 19-29 and 54-59).

13. As per claim 9, Mattaway teaches the system further wherein said application-control unit is operable to further receive instructions from another network terminal, and output said instructions to the application operating at its own network terminal (Mattaway, col. 5, line 66 to col. 6, line 22).

14. As per claim 10, Mattaway teaches the system further wherein said application-control unit is operable to switch according to a setting by a user between a remote-control mode that outputs instructions from said another network terminal to the application, and the normal-control mode that outputs instructions to be performed by its own network terminal (Mattaway, col. 9, lines 43-52).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes:

U.S. Patent No. 6,288,753, which describes a method of interactive, internet-based videoconference multicasting;

U.S. Patent No. 6,535,909, which describes a method of collaborative web browsing through application data sharing;

U.S. PGPub 2003/0220973, which describes a method of on-line conferencing with enabled session recording and application sharing; and

U.S. PGPub 2004/0139157, which describes a method of multimodal collaboration between a plurality of networked clients.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharja can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT 8-2-02

Nicholas Taylor
Examiner
Art Unit 2141


JASON CARDONE
SUPERVISORY PATENT EXAMINER